

| Event | Health Insurance Plan Covering Expenses of Employee, Spouse, Eligible Dependents | Commonwealth Choice Health Care FSA Covering Expenses of Employee, Spouse, Dependents | Commonwealth Choice Dependent Care FSA | Commonwealth Choice Health Reimbursement Account (Waiver Only) |
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| Change in Employee's Legal Marital Status | | | | |
| Marriage (Gain Spouse) | Employee may add self and/or spouse and/or dependents (1) (11) (12) or Employee may drop self/dependents if person becomes covered under spouse's plan (10) (12) | Employee may enroll or increase election or Employee may decrease employee election if family members become covered under spouse's health plan (2) | Employee may enroll or increase election if marriage increases dependent care expenses (3) or Employee may terminate or decrease election if family elects dependent care assistance under spouse's plan or marriage decreases dependent care expenses (3) | Employee may terminate election and redirect the state contribution to health insurance. |
| Divorce, legal separation, annulment (Lose Spouse) | Employee may add self and dependents <u>if event causes loss of coverage under spouse's plan</u> , (1) (10) (11) (12) or Employee may drop spouse; also drop family members added to former spouse's plan (10) (12) | Employee may enroll or increase election if event causes loss of coverage under spouse's health plan (2) or Employee may decrease employee election | Employee may enroll or increase election if event increases dependent care expenses (3) or causes loss of coverage under spouse's plan or Employee may terminate or decrease election if event decreases dependent care expenses (3) | Employee may terminate election and redirect the state contribution to health insurance <u>if event causes loss of coverage under spouse's plan</u> (10) |
| Spouse's death | Employee may add self and any dependent who loses coverage under spouse's plan, (1) (10) (11) (12) or Employee may drop spouse (12) | Employee may enroll or increase election if death causes loss of coverage under spouse's health plan (2) or Employee may decrease employee election | Employee may enroll or increase election if death causes loss of coverage under spouse's plan or increases dependent care expenses (3) or Employee may terminate or decrease election if death decreases dependent care expenses (3) | Employee may terminate election and redirect the state contribution to health insurance <u>if event causes loss of coverage under spouse's plan</u> (10) |
| Change in Number of Employee's Dependents | | | | |
| Number of employee's eligible dependents increases by the following: birth; adoption (10); or placement for adoption (10) | Employee may add self and/or spouse and/or other dependents (1) (11) (12) | Employee may enroll or increase election | Employee may enroll or increase election if employee has greater dependent care expenses | Employee may terminate election and redirect the state contribution to health insurance. |
| Number of employee's eligible dependents decreases (e.g., by death or because child becomes ineligible) | Employee may drop affected dependent (12) | Employee may decrease employee election | Employee may terminate or decrease election if employee has reduced dependent care expenses | Does not apply No change allowed |
| Change in Employee's Employment Status | | | | |
| Employee terminates employment | Cease employee and employer contributions; COBRA rules may apply | Cease employee contributions; COBRA rules may apply | Cease employee contributions; COBRA rules do not apply | Cease employer contributions; COBRA rules may apply |

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| Employee is rehired less than 30-days after termination of employment. | Employee may reinstate prior election unless another event has occurred that allows a change (9) | <p>Employee may reinstate prior election unless another event has occurred that allows a change (9)</p> <p>If employee did not elect COBRA during termination period, reinstatement of the prior coverage can be accomplished with one of the following methods (employee's choice):</p> <p><i>Proration:</i> Employee may elect to continue at the same monthly contribution as prior to the termination and the annual amount is reduced by the contributions missed during that period</p> <p><i>or</i></p> <p><i>Reinstatement:</i> Employee may elect to makeup the shortfall resulting from the contributions missed during the terminated period</p> | Employee may reinstate prior election unless another event has occurred that allows a change (9) | Employee may reinstate prior election unless another event has occurred that allows a change (9) |
| Employee is rehired 30 days or more after termination of employment | Employee may make election to same extent permitted as new employee | Employee may make election to same extent permitted as new employee | Employee may make election to same extent permitted as new employee | Employee may make election to same extent permitted as new employee |
| Employee commences official leave without pay | Coverage/contributions cease in accordance with Plan rules; COBRA rules may apply | Employee contributions cease in accordance with Plan rules; COBRA rules may apply | Employee contributions cease; COBRA rules do not apply | Employer contributions cease in accordance with Plan rules; COBRA rules may apply |
| Employee returns from official leave without pay | Employee may reinstate prior election unless another event has occurred that allows a change (9) | <p>Reinstate prior election unless another event has occurred that allows a change (9)</p> <p>Reinstatement of the prior coverage can be accomplished with one of the following methods (employee's choice):</p> <p><i>(1) Proration:</i> Employee may elect to continue at the same monthly contribution as prior to the termination and the annual amount is reduced by the contributions missed during that period</p> <p><i>or</i></p> <p><i>(2) Reinstatement:</i> Employee may elect to makeup the shortfall resulting from the contributions missed during the terminated period</p> | <p>Reinstate prior election. Employee may continue to file dependent care claims for the remaining funds in account until the end of the plan year, in accordance with IRS rules</p> <p><i>or</i></p> <p>Change election if event changes dependent care expenses (3)</p> | Reinstate prior election unless another event has occurred that allows a change (9) |

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| Employee begins unpaid FMLA (4) | <p>Elections continue for up to 12 weeks or until employment terminates or until employee begins official leave without pay, whichever comes first. Employees must select one of the following options:</p> <p>Employee may terminate elections</p> <p><i>or</i></p> <p>Continue elections and make payments as follows: (1) Prepayment: Increase deductions to prepay coverage contributions for FMLA period</p> <p><i>or</i></p> <p>(2) Pay-as-you-go: Employee may make contributions on the same schedule as payments would have been made otherwise</p> <p><i>or</i></p> <p>(3) Catch-Up Option: If agreed to by both parties PRIOR to the FMLA leave, the employer may make contributions on behalf of the employee and may recoup the contributions upon the employee's return to employment</p> | <p>Elections continue for up to 12 weeks or until employment terminates or until employee begins official leave without pay, whichever comes first. Employees must select one of the following options:</p> <p>Employee may terminate elections</p> <p><i>or</i></p> <p>Continue elections and make payments as follows: (1) Prepayment: Increase contribution to prepay coverage during leave</p> <p><i>or</i></p> <p>(2) Pay-as-you-go: Employee may make contributions on the same schedule as payments would have been made otherwise</p> <p><i>or</i></p> <p>(3) Catch-Up Option: If agreed to by both parties PRIOR to the FMLA leave, the employer may make contributions on behalf of the employee and may recoup the contributions upon the employee's return to employment</p> | <p>Decrease election if leave causes a decrease in dependent care expenses (3)</p> <p><i>or</i></p> <p>Employee may terminate elections</p> <p><i>or</i></p> <p>Continue elections and make payments as follows: (1) Prepayment: Increase contribution to prepay coverage during leave</p> <p><i>or</i></p> <p>(2) Pay-as-you-go: Employee may make contributions on the same schedule as payments would have been made otherwise</p> <p><i>or</i></p> <p>(3) Catch-Up Option: If agreed to by both parties PRIOR to the FMLA leave, the employer may make contributions on behalf of the employee and may recoup the contributions upon the employee's return to employment</p> | <p>Elections continue for up to 12 weeks or until employment terminates or until employee begins official leave without pay, whichever comes first.</p> |
| Employee returns from unpaid FMLA | <p>Employee may continue elections. If elections ceased during FMLA, employee may reinstate prior elections unless another event has occurred that allows a change (9)</p> | <p>Employee may continue contributions. If contributions ceased during FMLA, employee must be able to reinstate prior elections and may choose one of the following:</p> <p>(1) Proration: Employee may elect to continue at the same monthly contribution as prior to the FMLA and the annual amount is reduced by the contributions missed during the FMLA</p> <p><i>or</i></p> <p>(2) Reinstatement: Employee may elect to makeup the shortfall resulting from the contributions missed during FMLA.</p> | <p>Generally same rights as employee returning from non-FMLA leave, though employee must be able to reinstate prior coverage</p> | <p>Continue contributions</p> |

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| Employee changes worksite | No change allowed | No change allowed | Employee may decrease election if event decreases dependent care expenses (3) (10) <i>or</i> Employee may increase election if event increases dependent care expenses (3) (10) (unless the care provider is a relative) | Does not apply No change allowed |
| Other change in employee's employment status (e.g., switch from salaried to hourly status) that causes employee to cease eligibility under plan | Coverage/contributions cease in accordance with Plan rules; COBRA rules may apply | Coverage/contributions cease in accordance with Plan rules; COBRA rules may apply | Employee contributions cease; COBRA rules do not apply | Employer contributions cease; COBRA rules may apply |
| Other change in employee's employment status (e.g., switch from hourly to salaried status) that causes employee to become eligible for coverage under plan | Employee may make elections as if a new employee, unless there was less than a 30-day break in eligibility | Employee may make elections as if a new employee unless there was less than 30-day break in eligibility | Employee may make elections as if a new employee unless there was less than 30-day break in eligibility | Employee may make elections as if a new employee, unless there was less than a 30-day break in eligibility |
| <i>Change in Spouse or Dependent Employment Status (Dependent must continue to meet all eligibility requirements.)</i> | | | | |
| Spouse or dependent terminates employment (or other change in employment status resulting in a loss of eligibility under the spouse or dependent's plan) | Employee may add self, spouse, and dependents (1) if event adversely affects eligibility for coverage under spouse's or dependent's health plan (10) (11) (12) | Employee may enroll or increase election if event adversely affects eligibility for coverage under spouse's or dependent's health plan (2) | Employee may start or increase election if event adversely affects eligibility for coverage under spouse's dependent care assistance plan <i>or</i> Employee may terminate or decrease election if event decreases dependent care expenses (3) | Employee may stop election and redirect the state contribution to health insurance if event causes loss of coverage under spouse's plan (10) |
| Spouse or dependent commences employment (or other change in employment status triggering eligibility under the spouse or dependent's plan) | Employee may drop self, spouse, or dependent who becomes covered under spouse's or dependent's plan (12) (10) | Employee may decrease or cease election if family becomes covered under health plan of spouse or dependent (2) | Employee may start or increase election if event increases dependent care expenses (3) <i>or</i> Employee may terminate or decrease election if family becomes covered under spouse's dependent care assistance plan | Does not apply No change allowed |
| Spouse or dependent is out of work due to strike or lockout | Employee may add self, spouse, and dependents (1) if event adversely affects eligibility for coverage under health plan of spouse or dependent (10) (11) (12) | Employee may start or increase election if event adversely affects eligibility for coverage under spouse's or dependent's health plan (2) | Employee may start or increase election if event adversely affects eligibility for coverage under spouse's dependent care assistance plan <i>or</i> Stop or decrease election if event decreases dependent care expenses (3) | Employee may stop election and redirect the state contribution to health insurance if event causes loss of coverage under spouse's plan (10) |

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| Spouse or dependent returns to work following cessation of strike or lockout | Employee may drop self, spouse, or dependent who becomes covered under spouse's or dependent's health plan (12) (10) | Employee may decrease election if family becomes covered under health plan of spouse or dependent (2) | Employee may start or increase election if event increases dependent care expenses (3) <i>or</i> Stop or decrease election if family becomes covered under spouse's dependent care assistance plan | Does not apply No change allowed |
| Spouse or dependent commences unpaid leave (if the event adversely affects eligibility for coverage under the spouse or dependent's plan) | Employee may add self, spouse, and dependent (1) (10) (11) (12) | Employee may enroll or increase election if event adversely affects eligibility for coverage under spouse's or dependent's health plan (2) | Employee may enroll or increase election if event adversely affects eligibility for coverage under spouse's dependent care assistance plan <i>or</i> Employee may terminate or decrease election if event decreases dependent care expenses (3) | Employee may terminate election and redirect the state contribution to health insurance if event causes loss of coverage under spouse's plan (10) |
| Spouse or dependent returns from unpaid leave | Employee may drop self, spouse, or dependent who becomes covered under spouse's or dependent's health plan (12) (10) | Employee may decrease election if family becomes covered under spouse's or dependent's health plan (2) | Employee may start or increase election if event increases dependent care expenses (3) <i>or</i> Employee may terminate or decrease election if family becomes covered under spouse's dependent care assistance plan | Does not apply No change allowed |
| Other change in spouse's or dependent's employment status that causes spouse or dependent to cease to be eligible for coverage under spouse's or dependent's plan (e.g., switch from salaried to hourly status) | Employee may add self, spouse, and dependent (1) (10) (11) (12) | Employee may enroll or increase election (2) | Employee may enroll or increase election if event adversely affects eligibility for coverage under spouse's plan (3) | Employee may terminate election and redirect the state contribution to health insurance if event causes loss of coverage under spouse's plan (10) |
| Other change in employment status that causes spouse or dependent to gain eligibility for coverage under spouse's or dependent's plan (e.g., switch from hourly to salaried status) | Employee may drop coverage for self, spouse, or dependent who becomes covered under spouse's or dependent's plan (10) (12) | Employee may decrease election if family members become covered under health plan of spouse or dependent (2) | Employee may decrease election <i>or</i> Employee may increase election if event increases dependent care expenses (3) | Does not apply No change allowed |

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| <i>Change in Dependent Eligibility</i> | | | | |
| Dependent ceases to satisfy plan eligibility requirements on account of age, marriage or any similar circumstance (support and maintenance) | Employee may drop coverage for dependent (12) | Employee may decrease election | Employee may terminate or decrease election if event decreases dependent care expenses (3) (10) | Does not apply No change allowed |
| Unmarried dependent re-establishes plan eligibility requirement under applicable plan | Employee may add dependent who satisfies plan eligibility requirement (5) (12) | Employee may enroll or increase election (5) | Employee may enroll or increase election if event increases dependent care expenses (3) (10) | Does not apply No change allowed |
| <i>Change in Residence</i> | | | | |
| Employee or spouse changes primary (6) residence and becomes ineligible for current benefit election | No change allowed | No change allowed | Employee may make a corresponding election change if the child care provider changes (10) | Does not apply No change allowed |
| <i>Other Events</i> | | | | |
| Loss of other group health insurance coverage or health insurance coverage that entitles employee or family member to be enrolled under HIPAA Special Enrollment Rights | Employee may add self (1) (10) (11) (12) <i>or</i> ----- Employee may add spouse and/or dependent (1) (10) (11) (12) | Employee may enroll or increase election <i>or</i> ----- Employee may enroll or increase election | No change allowed | Employee may terminate election and redirect the state contribution to health insurance (10) |
| Judgment, decree, or administrative order relating to health coverage for child | Employee may add child if required under order (10) (11) (12) <i>or</i> ----- Employee may drop child if other parent provides coverage under order (10) (12) | Employee may enroll or increase election if order requires employee to provide child's health coverage <i>or</i> ----- Employee may decrease election if other parent covers child under order | No change allowed | Employee may terminate employer contribution |
| Employee, spouse, or dependent enrolled in employer's health plan becomes entitled to Medicare (Part A or Part B) or Medicaid | Employee may make an election change that corresponds to the event (10) (12) | Employee may decrease election | No change allowed | Does not apply No change allowed |
| Employee, spouse, or dependent loses entitlement to Medicare (Part A or Part B), Medicaid, KCHIP, any governmental group health insurance coverage | Employee may enroll self, spouse, or dependent (1) (10) (11) (12) | Employee may enroll or increase election | No change allowed | Employee may terminate election and redirect the state contribution to health insurance (10) |

Permitted Election Changes

End Notes:

- (1) The final regulation preamble indicates that dependents who can be added are those who were directly affected by the status change event plus other dependents (the so-called “tag-along” rule). However, the examples in the regulation only explicitly deal with situations where an employee elects family coverage and adds family members at no additional cost. It is not clear, but IRS staff members have informally stated that the “tag-along” rule applies even if the employee must increase an election to add additional dependents. Also, the preamble and examples in the regulation indicate that the “tag-along” rule applies to HIPAA events and situations where a spouse terminates employment; it is not clear what other events might be covered by the “tag-along” rule.
- (2) It appears this rule does not require that a spouse’s coverage include a Health FSA.
- (3) By an increase or decrease in dependent care expenses, we mean that the event increases or decreases the amount of expenses that an employee can have reimbursed on a tax-free basis under Code section 129 from a dependent care assistance plan. For example, if the employee gets married and his or her spouse does not work outside the home, the spouse would be available to care for a child, and thus the employee may not be able to claim that dependent care expenses are being used to enable the employee to be gainfully employed — a condition that must be satisfied for the expense to be reimbursed on a tax-free basis under Code section 129. Conversely, the marriage can increase the amount of expenses reimbursable under the dependent care assistance plan if, for example, a new spouse or stepchild is a “qualifying individual” for whom dependent care assistance can be received. A spouse’s death or divorce might lead to fewer dependent care expenses eligible for reimbursement under section 129 if, for example, the spouse was a “qualifying individual.” Conversely, if the spouse was not employed outside the home, the death or divorce might require the employee to pay for a caregiver in order to remain gainfully employed, and therefore the expenses may be reimbursed on a tax-free basis under section 129.
- (4) Most employees are entitled to certain rights under the Family and Medical Leave Act (FMLA), whether or not the benefits are provided through a cafeteria plan. Employees generally must receive up to 12 weeks of unpaid FMLA leave, although the employee or employer generally can choose to substitute available paid leave for unpaid leave. During FMLA leave, the employer must maintain group health coverage (including FSA coverage) on the same conditions as coverage would be provided if the employee had not taken the leave. An employee’s entitlement to other benefits during FMLA leave is determined by the employer’s established policy for providing such benefits when the employee is on other forms of paid or unpaid leave (as appropriate). If benefits are continued during unpaid leave, proposed IRS regulations allow benefits purchased through a cafeteria plan to be paid in several ways, including increased salary reductions before the leave to prepay benefits or using salary reductions after the leave to “catch-up” on payments. Benefits continued on paid FMLA leave are paid for in the same manner as during any paid leave. Employees can choose to drop benefits while on leave, but FMLA requires they have the right to be reinstated upon return from leave.
- (5) For purposes of eligibility in this plan, a divorced dependent is not an “unmarried” dependent.
- (6) Primary residence is the official residence claimed for tax purposes.
- (7) Military Insurance Coverage, which does not include Veteran’s Administration benefits, is considered “Another Employer Plan”.
- (8) “Cost or Coverage Changes under the Employer’s Plan” are not included in this chart. In the event there is a mid-year change in the health plan, specific direction will be provided to the group or groups affected.
- (9) An employee must request the mid-year election change within 30 days of the return to work date.
- (10) Supporting documentation required.
- (11) HIPAA Special Enrollment Right
- (12) Qualifying Event permits change in plan option (Essential, Enhanced, Select or Premier).

Effective Dates

Effective dates for the various mid-year election changes are as follows:

Health Insurance

- A. Events increasing coverage
 - 1. Birth, adoption, placement for adoption = date of the event.
 - 2. Marriage, loss of other coverage, court or administrative orders for dependent(s) or foster child(ren), expiration of COBRA = 1st day of the 1st month from the employee's signature date.
 - 3. Different Open Enrollment = 1st day of the 1st month (match effective date of other employer's plan).
- B. Events decreasing coverage
 - 1. Termination of employment = Last day of the month following the month in which employment ends.
 - 2. Death = Date of death.
 - a) Death of the employee with dependents = End of month in which death occurred.
 - b) Death of employee no dependents = Date of death.
 - c) Death of dependent = Date of death.
 - 3. Divorce, loss of dependent status = End of the month of loss of eligibility.
 - 4. Gaining other health insurance coverage (Medicare/Medicaid/Tricare/etc.) = End of the month from the employee's signature date.
 - 5. Different Open Enrollment = Last day of the month (match other employer's plan).

Healthcare Flexible Spending Account (HC FSA)

- A. Events starting or increasing HC FSA contributions
 - 1. Birth, adoption, placement for adoption = 1st day of the 1st month from the employee's signature date.
 - 2. Marriage, loss of other coverage, court or administrative orders for dependent(s) or foster child(ren), expiration of COBRA = 1st day of 1st month from the employee signature date.
 - 3. Different open enrollment = 1st day of the 1st month (match effective date of other employer's plan).
 - 4. Return from Leave Without Pay = 1st day of the 1st month from the employee's signature date.
 - 5. Return from Military Leave = Date of return to work.
- B. Events stopping or decreasing HC FSA contributions
 - 1. Termination of employment = Date of termination of employment.
 - 2. Death = Date of death.
 - 3. Divorce, loss of dependent status = End of the month of loss of eligibility.
 - 4. Gaining other health insurance coverage (Medicare/Medicaid/Tricare/etc.) = End of the month from the employee's signature date.
 - 5. Different open enrollment = Last day of the month (match other employer's plan).
 - 6. Begins Leave without Pay or Military Leave = Last date of work.

Dependent Care Flexible Spending Account (DC FSA)

- A. Events starting or increasing DC FSA contributions
 - 1. Dependent is newly eligible to begin attending day care = 1st day of 1st month from the employee's signature date.
 - 2. Change in dependent's eligibility status = 1st day of 1st month from the employee's signature date.
- B. Events stopping or decreasing DC FSA contributions
 - 1. Termination of employment = Date of termination of employment.
 - 2. Dependent no longer attends day care = End of the month from the employee's signature date.
 - 3. Change in dependent's eligibility status = End of the month from the employee's signature date.
 - 4. Death = Date of death.

Health Reimbursement Account (HRA)

- A. Events allowing enrollment in a Health Plan
 - 1. Birth, Adoption, placement for adoption = Date of the event.
 - 2. Marriage, loss of other coverage, court or administrative orders for dependent(s), expiration of COBRA = 1st day of the 1st month from the employee signature date.
 - 3. Different open enrollment = 1st day of the 1st month (match effective date of other employer's plan).

4. Returning from Military Leave = Date of return to work or day after TRICARE ends (employee's option).
- B. Events allowing contributions to cease (for reasons other than enrolling in the plan).
1. Termination of employment = Date of termination of employment.
 2. Death = Date of death.
 3. Different open enrollment = Last day of the month (match other employer's plan).
 4. Start Military Leave = Date of the event.

All Qualifying Events must be signed by the employee 30-days from the date of the Qualifying Event, except for birth, adoption, or placement for adoption when adding the newly acquired dependent only, which are 60-days. Qualifying Events dealing with loss of other group coverage or gaining other group coverage may be signed by the employee prior to the Qualifying Event date. In any case, a requested change due to a Qualifying Event will not be effective prior to the event taking place.